IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.49 OF 2006
IN
COMPANY PETITION NO.929 OF 1998

R.S.Ghunwant Applicant
versus
The Official Liquidator Respondent

Mr.A.Ramkrishna for applicant.
Ms.K.V.Gautam, Act.Official Liquidator present.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 28th July 2006

PC :

1. After this application was argued for some time, the applicant as also the Official Liquidator agree to the following order being passed:-

a) The applicant undertakes to withdraw Suit No.617 of 2003 filed in the Court of Civil Judge, Senior Division, Thane within a period of two weeks from today. In the light of this statement, the applicant gives up all his claims in respect of Flats bearing Nos.7 and 8, Yeshwant Apartments, Charai, Thane-400 601. He accepts that the flats belong to the company in

liquidation and that the Liquidator is entitled to put up these flats for auction. The Liquidator to do the needful within a period of eight weeks from today. The Liquidator agrees to give notice of this advertisement to the applicant. The applicant shall be at liberty to bid at the auction sale of the flats;

b) The applicant and his wife are present in the Court and they give an undertaking to this Court through their advocate that in case their bid is not successful, then they would hand over vacant and physical possession of these flats to the Official Liquidator. That shall be done within a period of four weeks from the date of confirmation of sale. Needless to state that the Liquidator, in addition to taking appropriate proceedings for breach of undertaking, is at liberty to take Police help for evicting the applicant;

c) The applicant and his wife, who are present in the Court, state that save and except them as well as their family members, none else is occupying these premises and that they shall not alienate, encumber or part with possession or create third party rights therein until further

orders of this Court. However, this does not prevent the Liquidator from taking appropriate steps to evict the applicant after the sale is confirmed as above;

d) Since the applicant is now restricting his claim as far as his dues as an ex-employee of the company in liquidation, the Liquidator is directed to adjudicate the claim and pass appropriate orders on merits and in accordance with law within a period of six months from today;

e) The Liquidator is permitted to withdraw the amount deposited by way of rent till August 2006 in the Court of Civil Judge, Senior Division, Thane in the above suit and the applicant will render all possible assistance in that behalf to the Official Liquidator.

2. Company Application stands disposed of in the above terms with no order as to costs.

3. Needless to further state that the Official Liquidator is at liberty to seek such directions and orders in respect of sale as are permissible in law.

(S.C.DHARMADHIKARI, J.)